

I. REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of April 17, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. As a result of this Amendment, claims 10-14 have been cancelled. Claims 1-5 and 7-9 were previously indicated as allowable by the Examiner and currently remain in the Application.

In paragraph 7, at page 3 of the Office Action, Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0141548 A1 to Shattil (hereinafter Shattil) in view of U.S. Patent Application Publication No. 2003/0039317 A1) to Taylor *et al.* (hereinafter Taylor).

In paragraph 8, at page 4 of the Office Action, Claims 11-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shattil and Taylor as applied to claim 10 above, and further in view of U.S. Patent Application Publication No. 2004/0184398 A1 to Walton *et al.* (hereinafter Walton).

In paragraph 9, at page 6 of the Office Action, Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shattil and Taylor as applied to claim 10 above, and further in view of U.S. Patent No. 6,934,340 B1 to Dollard (hereinafter Dollard).

II. The Claims Define Over the Prior Art

The Applicant previously amended claims 1 and 8 to incorporate the element of "a threshold for deciding whether a peak is found is a number which is a magnitude of a first peak times a constant that is a number between 0.7 and 1.0" which the examiner found allowable as part of claim 6. Further, with respect to claims 3-5, the Applicant is unaware that synchronization for failure for finding peaks is known in the art in the context of an OFDM communication system where a convolving step is maintained until a predetermined number of peaks (such as 4 peaks) are found. In any event, the claims now include the elements of claim 6 and thus, Applicant respectfully believes claims 1 and 8 and any remaining dependent claims thereon overcome the pending rejection and are now allowable.

III. CONCLUSION

The claims have been amended for minor informalities and have not been amended to overcome any cited art. Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: July 8, 2008

/Pablo Meles/
Pablo Meles, Reg. No. 33,739
AKERMAN SENTERFITT
Customer No. 30448
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (954) 463-2700